

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

EDWIN K. SLAUGHTER et al.,

Plaintiffs,

vs.

UPONOR, INC. et al.,

Defendants.

2:08-cv-01223-RCJ-GWF

ORDER

This is a class action arising out of the manufacture and installation of defective “yellow brass” plumbing fittings into 100,000 or more homes in the Las Vegas area. Defendant RCR Plumbing and Mechanical, Inc. (“RCR”) has asked the Court to order Plaintiffs to transfer extracted plumbing fittings from Plaintiffs’ own warehouse to a third-party storage facility such as Litigation Services. RCR argues that they have no privacy when visiting Plaintiff’s warehouse and must notify Plaintiffs 48 hours in advance before visiting. Plaintiffs respond that Litigation Services can only store approximately 600 bankers boxes, and that Plaintiffs’ warehouse already contains many more boxes of materials than this. Plaintiffs also note that a company such as Litigation Services will require 48 hours notice before inspection, just as Plaintiffs do, and that visitors to Plaintiffs’ warehouse have as much privacy as they would have at a third-party location. Plaintiffs note that they are amenable to constructing a private meeting room within their warehouse if RCR desires but that RCR’s only “met and confer” with respect to the present motion was a “take it or leave it” demand letter.

The Court denies the motion. Plaintiffs may store their own evidence, just as RCR may

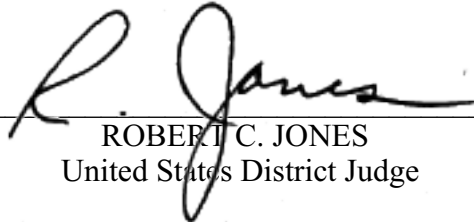
1 store its own evidence if it extracts plumbing components during a Chapter 40 inspection. There
2 is no indication that Plaintiffs have denied RCR or any other Defendant reasonable access to the
3 evidence. RCR may argue authenticity issues to the Court or tampering issues to the jury at trial
4 if it has a good faith basis to make such arguments.

5 **CONCLUSION**

6 IT IS HEREBY ORDERED that the Motion (ECF No. 739) is DENIED.

7 IT IS SO ORDERED.

8 Dated this 25th day of April, 2013.

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11 ROBERT C. JONES
12 United States District Judge
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